

EXHIBIT A

Attorney(s): ANGLIN, REA & CAHALANE, P.A.
Address: 1005 Eastpark Boulevard
Cranbury, NJ 08512
Telephone No.: (609) 409-0444
Attorney(s) for Plaintiff(s)

MICHELE SMITH,

Plaintiff,

vs.

CVS PHARMACY, INC., CVS HEALTH INC.,
MARY ADUKYEI-PEPRAH, ET AL

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Docket No. MID-L-1894-20
CIVIL ACTION
SUMMONS

From the State of New Jersey
To the Defendant(s) named above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided). If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee of \$175.00 payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Date: April 7, 2020

/s/ Michelle M. Smith
Michelle M. Smith, Esq., Superior Court Clerk

Name of Defendant to be served: CVS Pharmacy, Inc.
CVS Health Inc.
Mary Adukyei-Peprah

Address of the Defendant to be served:

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ANGLIN, REA & CAHALANE, P.A.
Patrick H. Cahalane, Esq., 02152-1992
Attorney for Plaintiff(s)
1005 Eastpark Boulevard
Cranbury, NJ 08512
(609) 409-0444

MICHELE SMITH,	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION
vs.	:	MIDDLESEX COUNTY
CVS PHARMACY, INC., CVS HEALTH,	:	
INC., MARY ADUKYEI-PEPRAH,	:	
JOHN/JANE DOES 1-20	:	Docket No.
(UNIDENTIFIED PHARMACISTS)	:	
ABC CORP. 1-20 (UNIDENTIFIED	:	Civil Action
INDEPENDENT PHARMACISTS)	:	
ABC CORP. 21-30 (UNIDENTIFIED	:	COMPLAINT
ENTITIES), and JOHN/JANE DOES	:	
21-30 (UNIDENTIFIED ADMINISTRA-	:	
TORS)	:	
Defendants,	:	

Plaintiff, MICHELE SMITH, residing at 131 Henry Street, City of South Amboy, County of Middlesex, and State of New Jersey, by way of Complaint against the above named defendant(s) says:

STATEMENT OF FACTS AND IDENTIFICATION OF THE PARTIES

1. Defendants, CVS PHARMACY INC. and CVS HEALTH INC., are, and at all times relevant to this complaint were, pharmacies providing pharmacological services to its customers. Defendants, CVS PHARMACY and CVS HEALTH, are located at 2982 Route 516, Township of Old Bridge, County of Middlesex, and State of New Jersey.

2. MARY ADUKYEI-PEPRAH, JOHN/JANE DOES 1-10 are, and at all times relevant to this complaint were, pharmacists hired to provide pharmacological services at CVS PHARMACY.

3. ABC CORP. 11-20 are, and at all times relevant to this complaint were, pharmacy contracting companies hired to perform pharmacological services at CVS PHARMACY.

4. JOHN/JANE DOES 11-20 are, and at all times relevant to this complaint were, pharmacists and pharmacological aids hired, as employees or contractors, to perform pharmacological services at CVS PHARMACY.

5. JOHN/JANE DOES 21-30 are, and at all times relevant to this complaint were, administrators hired as employees or contractors to perform administrative services at CVS PHARMACY.

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6. On or about May 30, 2018, plaintiff, MICHELE SMITH, filled an order for prescription medication at CVS PHARMACY.

7. At the time and place aforesaid, plaintiff, MICHELE SMITH, received substandard care, negligent, grossly negligent, and egregiously poor treatment resulting in serious injury warranting extensive medical care.

**COUNT I.
PHARMACIST AND PHARMACOLOGICAL AID MALPRACTICE**

8. While a customer/patient of CVS PHARMACY receiving pharmacist care, plaintiff, MICHELE SMITH, was entitled to receive pharmacological care within the standard of care for these professions.

9. The pharmacological care provided to plaintiff, MICHELE SMITH, by defendants, MARY ADUKYEI-PEPRAH, JOHN/JANE DOES 1-20 (UNIDENTIFIED INDEPENDENT PHARMACISTS), ABC CORP. 21-30 (UNIDENTIFIED ENTITIES), and JOHN/JANE DOES 21-30 (UNIDENTIFIED ADMINISTRATORS), fell below accepted standards of pharmacists.

10. Defendants' deviation(s) from accepted standards of care proximately caused plaintiff, MICHELE SMITH, to suffer damages, including, but not limited to, severe, painful and permanent injuries, loss of enjoyment of life, disability, wage loss, loss of future profits and medical expenses.

WHEREFORE, plaintiff, MICHELE SMITH, demands judgment against defendants, CVS PHARMACY INC., CVS HEALTH INC., MARY ADUKYEI-PEPRAH, JOHN/JANE DOES 1-20 (unidentified pharmacists), ABC CORP. 1-20 (unidentified independent pharmacists), ABC CORP. 21-30 (unidentified entities), and JOHN/JANE DOES 21-30 (unidentified administrators), for compensatory damages, interest and costs of suit.

**COUNT II.
RESPONDEAT SUPERIOR/AGENCY/MASTER-SERVANT AND/OR APPARENT AGENCY**

11. Plaintiff repeats and realleges each factual and legal allegation set forth above and make these allegations a part of this count.

12. The defendant pharmacist, was an employees and/or agents and/or servants of defendants, CVS PHARMACY INC., CVS HEALTH INC., and/or ABC CORP. 1-30.

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13. Pursuant to the doctrine of respondeat superior, agency, apparent agency and/or master-servant, defendants, CVS PHARMACY INC., CVS HEALTH INC., and/or ABC CORP. 1-30 are responsible for the acts, omissions, neglect of all the aforementioned defendant pharmacist.

WHEREFORE, plaintiff, MICHELE SMITH, demands judgment against the defendants, CVS PHARMACY INC., CVS HEALTH INC., MARY ADUKYEI-PEPRAH, and/or ABC CORP. 1-30, for compensatory damages, interest and costs of suit.

**COUNT III
WILFUL AND WONTON MISTREATMENT WARRANTING PUNITIVE DAMAGES**

14. Plaintiff repeats and realleges each factual and legal allegation set forth above and make these allegations a part of this count.

15. The defendants' acts, omissions and treatment of plaintiff, MICHELE SMITH, was so egregious that it arose to the level of gross negligence and wilful and/or wanton mistreatment of plaintiff.

16. Defendants' gross negligence and/or wilful and wanton mistreatment of plaintiff proximately caused plaintiff, MICHELE SMITH, to suffer damages, including, but not limited to, severe, painful and permanent injuries, loss of enjoyment of life, disability, wage loss, loss of future profits and medical expenses.

WHEREFORE, plaintiff, MICHELE SMITH, judgment against the defendants, CVS PHARMACY INC., CVS HEALTH INC., MARY ADUKYEI-PEPRAH, ABC CORP. 1-30 and JOHN/JANE DOES 1-30 for compensatory damages, punitive damages, attorneys fees, treble damages, interest and costs of suit.

**COUNT IV.
VIOLATIONS OF APPLICABLE FEDERAL AND STATE STATUTES AND REGULATIONS**

17. Plaintiff repeats and realleges each factual and legal allegation set forth above and make these allegations a part of this count.

18. The Federal and State governments have enacted statutes and regulations governing the rights of residents and the responsibilities of those owning, operating and administering

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pharmacies.

19. The defendants, collectively, violated these federal and State statutes and regulations.

20. Defendants' statutory violations proximately caused plaintiff, MICHELE SMITH, to suffer damages, including, but not limited to, severe, painful and permanent injuries, loss of enjoyment of life, disability, wage loss, loss of future profits and medical expenses.

WHEREFORE, plaintiff, MICHELE SMITH, demands judgment against the defendants, CVS PHARMACY INC., CVS HEALTH INC., MARY ADUKYEI-PEPRAH, ABC CORP. 1-30 and JOHN/DOES 1-30 for compensatory damages, punitive damages, attorneys fees, treble damages, interest and costs of suit.

COUNT V

NEGLIGENT MAINTENANCE OF PROPERTY AND EQUIPMENT

21. Plaintiff repeats and realleges each factual and legal allegation set forth above and make these allegations a part of this count.

22. Plaintiff was a business invitee of CVS PHARMACY INC., CVS HEALTH INC., ABC CORP. 1-30 and JOHN/JANE DOES 1-30.

23. Defendants negligently maintained, inspected, repaired the premises and/or equipment which negligence resulted in a dangerous and hazardous condition being present.

24. Defendants' negligence proximately caused plaintiff, MICHELE SMITH, to suffer damages, including, but not limited to, severe, painful and permanent injuries, loss of enjoyment of life, disability, wage loss, loss of future profits and medical expenses.

WHEREFORE, plaintiff, MICHELE SMITH, demands judgment against the defendants, CVS PHARMACY INC., CVS HEALTH INC., MARY ADUKYEI-PEPRAH, ABC CORP. 1-30 and JOHN/JANE DOES 1-30 for compensatory damages, punitive damages, attorneys fees, treble damages, interest and costs of suit.

ANGLIN, REA & CAHALANE, P.A.
Attorney for Plaintiff(s)
By: Patrick H. Cahalane

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JURY DEMAND

Pursuant to Rule 1:8-2(b), plaintiff hereby demands that the issues herein be tried by a jury of six (6) persons.

ANGLIN, REA & CAHALANE, P.A.
Attorney for Plaintiff(s)
By: Patrick H. Cahalane

CERTIFICATION

I certify that to my knowledge the within action is the only action pending concerning the subject occurrence or transaction.

ANGLIN, REA & CAHALANE, P.A.
Attorney for Plaintiff(s)
By: Patrick H. Cahalane

DESIGNATION OF TRIAL COUNSEL

In accordance with R.4:25-4, Patrick H. Cahalane, Esq., is hereby designated as trial counsel for plaintiff.

ANGLIN, REA & CAHALANE, P.A.
Attorney for Plaintiff(s)
By: Patrick H. Cahalane, Esq.

Date: March 20, 2020

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Civil Case Information Statement

Case Details: MIDDLESEX | Civil Part Docket# L-001894-20

Case Caption: SMITH MICHELE VS CVS PHARMACY INC	Case Type: MEDICAL MALPRACTICE
Case Initiation Date: 03/20/2020	Document Type: Complaint with Jury Demand
Attorney Name: PATRICK H CAHALANE	Jury Demand: YES - 6 JURORS
Firm Name: ANGLIN REA & CAHALANE, PA	Is this a professional malpractice case? YES
Address: 1005 EASTPARK BOULEVARD	Related cases pending: NO
CRANBURY NJ 08512	If yes, list docket numbers:
Phone: 6094090444	Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO
Name of Party: PLAINTIFF : SMITH, MICHELE	Are sexual abuse claims alleged? NO
Name of Defendant's Primary Insurance Company (if known): Unknown	

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

03/20/2020
Dated

/s/ PATRICK H CAHALANE
Signed

MID L 001894-20 03/21/2020 4:40:09 AM Pg 1 of 1 Trans ID: LCV2020573386

MIDDLESEX VICINAGE CIVIL DIVISION
P O BOX 2633
56 PATERSON STREET
NEW BRUNSWICK NJ 08903-2633

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 645-4300
COURT HOURS 8:30 AM - 4:30 PM

DATE: MARCH 20, 2020
RE: SMITH MICHELE VS CVS PHARMACY INC
DOCKET: MID L -001894 20

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON THOMAS D. MCCLOSKEY

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 004
AT: (732) 645-4300 EXT 88905.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: PATRICK H. CAHALANE
ANGLIN REA & CAHALANE, PA
1005 EASTPARK BOULEVARD
CRANBURY NJ 08512

ECOURTS

EXHIBIT B



**Service of Process
Transmittal**

04/09/2020

CT Log Number 537517467

TO: SERVICEOF PROCESS
CVS Health Companies
1 CVS DR MAIL CODE 1160
WOONSOCKET, RI 02895-6146

RE: Process Served in New Jersey

FOR: CVS Pharmacy, Inc. (Domestic State: RI)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: MICHELE SMITH, PLTF. vs. CVS PHARMACY, INC., ET AL., DFTS.

DOCUMENT(S) SERVED: *

COURT/AGENCY: None Specified
Case # MIDL189420

NATURE OF ACTION: Medical Injury - Improper Care and Treatment - *

ON WHOM PROCESS WAS SERVED: The Corporation Trust Company, West Trenton, NJ

DATE AND HOUR OF SERVICE: By Process Server on 04/09/2020 at 13:36

JURISDICTION SERVED : New Jersey

APPEARANCE OR ANSWER DUE: *

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 04/09/2020, Expected Purge Date: 04/14/2020

Image SOP

Email Notification, SERVICEOF PROCESS service_of_process@cvcs.com

SIGNED: The Corporation Trust Company
ADDRESS: 155 Federal St Ste 700
Boston, MA 02110-1727

For Questions: 800-448-5350
MajorAccountTeam1@wolterskluwer.com

EXHIBIT C

Peter L. Korn, Esq. (Bar # 247731968)

Jill J. Pomeroy, Esq. (Bar # 906402012)

McELROY DEUTSCH MULVANEY & CARPENTER, LLP

1300 Mount Kemble Avenue

P.O. Box 2075

Morristown, New Jersey 07962-2075

Phone: (973) 993-8100

Email: jpomeroy@mdmc-law.com, pkorn@mdmc-law.com

Counsel for Defendants New Jersey CVS Pharmacy LLC (improperly pleaded as “CVS Pharmacy, Inc.” and “CVS Health, Inc.”) and Mary Adukyei-Peprah

MICHELE SMITH,

Plaintiff,

vs.

CVS PHARMACY, INC, CVS HEALTH, INC., MARY ADUKYEI-PEPRAH, JOHN/JANE DOES 1-20 (unidentified pharmacists); ABC CORP. 1-20 (unidentified independent pharmacists), ABC Corp. 21-30 (unidentified entities), and JOHN/JANE DOES 21-30 (unidentified administrators)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO. L-1894-20

NOTICE OF NOTICE OF REMOVAL

TO: Clerk, Superior Court of New Jersey
Middlesex County Superior Court
56 Paterson Street
New Brunswick, New Jersey 08903

PLEASE TAKE NOTICE THAT the above-entitled action has been removed by Defendants, New Jersey CVS Pharmacy LLC (improperly pleaded as “CVS Pharmacy, Inc.” and “CVS Health, Inc.”) and Mary Adukyei-Peprah (hereinafter collectively “Defendants”), to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. § 1441.

PLEASE TAKE FURTHER NOTICE that attached hereto is a true and correct copy of the Notice of Removal filed May 8, 2020 with the United States District Court for the District of

New Jersey at Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101 and served upon Plaintiff pursuant to 28 U.S.C. § 1446(d).

**McELROY, DEUTSCH, MULVANEY
& CARPENTER, LLP**

Counsel for Defendants New Jersey CVS
Pharmacy LLC (improperly pleaded as
“CVS Pharmacy, Inc.” and “CVS Health,
Inc.”) and Mary Adukyei-Peprah

Dated: May 7, 2020

/s/ Jill Pomeroy

Jill J. Pomeroy, Esq.

To: Patrick H. Cahalane, Esq.
Anglin, Rea & Cahalane, P.A.
1005 Eastpark Boulevard
Cranbury, New Jersey 08512
Attorneys for Plaintiff